

2008 IAM Conference Outline

Friday, September 26, 2008:

8:00 - 9:00 AM - Registration/networking/social opportunity

8:30 - 9:00 AM - Breakfast

9:00 - 9:30 AM:

The 'Activist Mediator': styles and approaches to mediation and the role of the Mediator

- can you be 'too neutral' and 'too rational'?
- Why 'Hawks' win and risk taking
- the depth of the allure of conflict: lessons from evolutionary psychology and neuro-science,
- who is your client: the court, attorneys or parties?

9:30 - 10:30 AM:

Managing conflict: theory, techniques and skills

- rational, non-rational and irrational: myth and reality
- lawyers and mediators' responses to conflict---
- 'controlling conflict': managing the natural energy of conflict
- neuro- linguistic techniques
- the use of metaphors, reframing, and spinning
- movie clips: Hotel Rwanda; Thank You For Smoking
- 'mediator, heal thyself' confronting our little biases, assumptions and professional scripts

This segment will include the following case study and will focus on a discussion including child support, the best interests of the child concerns, child support guidelines, visitation guidelines, durability of a written agreement."

"In their negotiations over parenting responsibility, Harold, who wanted as much time per week with their two children, Ryan (age 6) and Sumi (age 4), offered Suzanne an additional \$50 per month in child support if she would consent to allowing him to have the children from Thursday evening (instead of Friday eve) through Monday morning (instead of Sun eve) in alternate weeks. Suzanne is offended, saying, "This is just a game to you.... I can't believe you would negotiate over your children like they are pieces of property... why are you trying to 'nickle and dime' me like that. You know the children are too young to be away from me for that long." Harold, says in response: "See, I knew this negotiation stuff would never work; she is so rigid and inflexible... she is unwilling to negotiate... it's her way or the highway."

10:30 - 10:45 AM - Break

10:45 AM - Noon:

Negotiation Rituals and Strategies: beyond the 'interest/needs' model

- would John Wayne negotiate and why we hate it
- negotiation as ritual
- cultural, moral and psychological resistance to negotiation
- mapping the negotiation terrain: pragmatic, cooperative, competitive and moral: 'The Protean Negotiator'
- Asking the right questions at the right time: tricksters, 'the wise fool' and other 'crazy wisdom' techniques
- persuasion: the limits of logic and paradoxical injunction;
- gaining commitment-dealing with resistance to negotiation/mediation
- constructive deceptions, the art of the 'bluff' and other tactics
- the mediator as negotiation coach
- mediator authenticity, credibility, trust.
- movie clip: *Schindler's List*

Noon - 1:00 PM - Lunch

1:00 - 3:00 PM:

Strategies for Avoiding and Managing Impasse

- applied theory: systems and field theory
- mediating with ideologues
- value conflicts
- mediator induced impasse

participant simulation work

3:00 - 3:45 PM:

Creative problem Solving:

- escaping flatland and learning to think laterally
- the beauty of conflict: jazz, visual arts
- mindfulness strategies
- mediation as theatre and negotiation as performance art: improvisational theatre techniques
- forgiveness, reconciliation, apology & revenge in conflict management practice;

3:45 - 4:00 PM Break

4:00 - 5:00 PM:

Ethical and Professional Issues in Negotiation

Saturday, September 27, 2008:

8:00 - 9:00 AM - Registration/networking/social opportunity

8:30 - 9:00 AM - Breakfast

9:00 - 10:30 AM:

The politics of professional mediation practice

- professional legitimacy: certification, licensure and approval
- mediation and the courts: the Uniform Mediation Act and the impact of other legislative/regulatory constraints
- professional rivalries: law, counseling and mediation
- professional vs. community mediation
- mediation as a free community service vs. a private pay for service
- restraint of trade and the 'unauthorized practice of law': real or imagined

10:30 - 10:45 AM - Break

10:45 - Noon:

Marketing Mediation

- a message that connects: how people choose to purchase a product or service; "freakenomics" rule.
- the audience: where do clients come from? professionals or the public? lawyers, judges, clergy, counselors, real estate agents, AARP meetings
- the medium: considering web sites, speaking engagements, brochures, newspapers, radio, TV
- the value and limits of specialization in practice and marketing: New opportunities: Estate and probate, health care, workplace, eldercare

Noon - 1:00 PM - Lunch

1:00 - 2:45 PM:

Economics of Practice

- factors in setting and collecting fees; cancellation fees, sliding-fee scales, "free" services
- retainers (refundable/non-refundable)
- written agreements to mediate: terms and a mediation clause
- office place and interior design
- mediator dress
- panel participation

2:45 - 3:00 PM - Break

3:00 - 4:30 PM:

Professional and ethical Issues in conflict management practice

- confidentiality

- 'good faith' participation

- ethical issues in collaborative law: the Colorado Bar Assoc

- working in the Shadow of the Law: managing lawyers and legal systems

- when program structures and ideology constrain professional practice

- the 'unauthorized practice of law' or counseling.

4:30 - 5:00 PM:

The Future of the Field: "Mediators: Views From The Eye Of The Storm" excerpts from interviews with prominent mediators